

REMARKS

The Examiner has rejected Claim 32 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. ("Smith") in view of U.S. Patent No. 3,669,481 to Bergmann ("Bergmann"). Claim 32 stands currently amended. Claims 1-31 and 33 stand previously canceled. Claims 32 and 34-62 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejection to current Claim 32. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIM 32 UNDER 35 U.S.C. § 103(A) BASED ON SMITH IN VIEW OF BERGMANN

On page 2 of the prior Office Action, the Examiner rejects Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Bergmann. This rejection is respectfully traversed and believed overcome in view of the following discussion.

Amended Claim 32 states, in part:

"wherein said holding part is formed by **two holding elements** which project in a flexible manner from the body part in the direction of its outer surface, **each** of the holding elements **having** a free end which has **an inclined surface** for supporting the body part on the rim or edge of the opening without play;

“wherein the **inclined surface** of each holding element
is **inclined with respect to a plane of the thin
wall.**” (emphasis added)

Examiner asserts that Bergmann discloses two holding elements which each have a free end with the inclined surface of Claim 32. This, however, misinterprets the teachings of Bergmann.

More specifically, Bergman explicitly states:

“The surface 3a which forms a rear boundary to the enlarged part 7a of the recess and which is engaged by the latching member 4, **is so inclined and shaped that a normal (not shown) towards the central part of the surface cuts or falls close to the pivot axis 5 of the latching member.** In this way the latching member is **not subjected to any considerable breaking moment** even if the stud or the recessed part is subjected to great force, the strength of the locking means thereby being considerable despite the simplicity of its construction and its small dimensions.”
Bergmann, Col. 3, Lns. 6-15 (emphasis added).

It should be noted that the surface “3a” to which Bergman refers above is actually the surface “3b” as shown in Figs 1-3.

As Bergmann describes above, the surface 3b is **flush** with the surface of the free end of the latching member 4. This is clearly seen in Figs. 1-3 of Bergman, where the curvature of the surface 3b coincides with and is parallel to the curvature of the surface of the free end of the latching member 4. Thus, the surface of the free end of the latching member 4 is **not inclined** with respect to the surface 3b of the (which is the closest disclosure in Bergman to the rim or edge of the opening in the thin wall sheet of Claim 32). As such, Bergman fails to disclose two holding elements which each have a free end which has **an inclined surface** for supporting the body part on the rim or edge of the opening without play, as required by Claim 32.

Further, the above disclosure of Bergmann matches the corresponding disclosure of Smith. More specially, as seen in Fig. 2 of Smith, the surface of the locking flange 33 of the locking member 32 is also flush with and parallel to the surface of the rim or edge of the opening in the sheet metal support structure 22 of the roof 20. Thus, **both Bergmann and Smith** teach that the surfaces of their respective holding elements are flush with and parallel to the surfaces of their respective rim or edge of an opening in a thin wall. As such, Smith and Bergmann **cannot** be combined in any way so as to arrive at two holding

elements which each have a free end which has **an inclined surface** for supporting the body part on the rim or edge of the opening without play, as required by Claim 32.

The above arguments were discussed with the Examiner during the telephonic interview held with the examiner on March 19, 2010, as pertaining to the amendment to Claim 32, which clarifies that the **inclined surface** of each holding element is **inclined with respect to a plane of the thin wall**. During this interview, the Examiner indicated that the above amendments to Claim 32 seemed to **overcome the rejections** based on the current cited art. Although, the Examiner did indicate that a further search and consideration would be required to determine whether Claim 32 could be allowed.

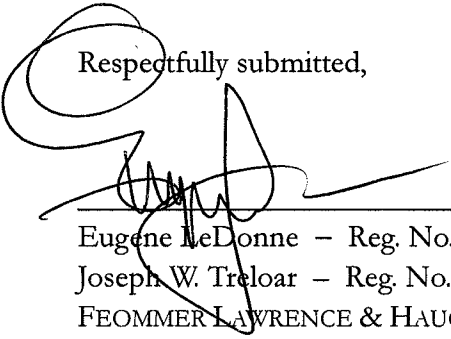
Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of independent Claim 32. Therefore, Applicants respectfully requests that Examiner remove the rejection of Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,632,061 to Smith et al. in view of U.S. Patent No. 3,669,481 to Bergmann.

III. WITHDRAWN CLAIMS 34-46 AND 52-62

Withdrawn Claims 34-46 and 52-62 are each ultimately dependent from independent Claim 32. As Claim 32 is allowable, so must be Claims 34-46 and 52-62. Therefore, Applicant respectfully requests that Examiner rejoin and allow Claims 34-46 and 52-62.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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